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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

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TO:	Mail Stop Amendment Examiner Fangemonique A. Smith	FROM:	Jason D. Kelly
COMPANY:	U.S. Patent & Trademark Office	DATE:	APRIL 2, 2008
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	8
PHONE NUMBER:	571-272-8160	SENDER'S REFERENCE NUMBER:	1023-360US01
RE:	Response to Office Action dated January 2, 2008	APPLICATION SERIAL NUMBER:	10/825,964

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8232  
Keith A. Miesel  
Serial No.: 10/825,964  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Fangemonique A. Smith  
Group Art Unit: 3736  
Docket No.: 1023-360US01  
Title: DETECTING SLEEP

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on April 2, 2008.

By: Shirley A. Betlach  
Name: Shirley A. Betlach

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing  
☒ Response (6 pgs.)  
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

4-2-08

By:

Jason D. Kelly  
Name: Jason D. Kelly  
Reg. No.: 54,213

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Kenneth T. Heruth; Keith A. Miesel	Confirmation No.	8232
Serial No.:	10/825,964		
Filed:	April 15, 2004	Customer No.:	28863
Examiner:	Fangemonique A. Smith		
Group Art Unit:	3736		
Docket No.:	1023-360US01		
Title:	DETECTING SLEEP		

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**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed January 2, 2008, the period of response for which runs through April 2, 2008, Applicant submits the following.

Remarks begin on page 2 of this paper.